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**MAY 12 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Honorable Conrad Burns  
United States Senator  
104 Fourth Street North  
Great Falls, Montana 59401

# Congressional

DUE 4-23-93

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CONRAD BURNS  
MONTANA

**United States Senate**

WASHINGTON, DC 20510-2603

April 1, 1993

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1670

Ms. Linda Townsend Solheim  
Director of Legislative Affairs  
Federal Communications Commission  
1919 M Street Northwest, Room 808  
Washington, DC 20554

Re: Proposed Regulation Changes

Dear Ms. Solheim,

Two of my constituents who have an interest in the Radio Common Carrier (RCC) business have asked my assistance determining the status of the rule changes being proposed and described as the new Part 88.

They are very concerned about the proposed change and indicate that they feel it probably does meet the needs of heavily populated areas, but that it would be detrimental to large states that have great distances and a smaller population. I have enclosed the information provided by these folks for your review.

Any information or help you can provide my staff to enable us to assist in reaching a favorable solution will be greatly appreciated. Please direct any correspondence or questions regarding this inquiry to my office at:

Senator Conrad Burns  
Attention: Kathy Sparr  
~~104 Fourth Street North~~  
Great Falls, Montana 59401  
(406) 452-9585

Thank you for your assistance in this matter. If there is additional information you require, please feel free to contact Kathy.

Sincerely,



Conrad Burns  
United States Senator

CRB/kas

enclosures: 2

FEB 22 1993

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Radio Common Carrier Retainer Series  
February 17, 1993

**FCC PROPOSED REFORMULATION OF PRIVATE RADIO RULES  
MAY IMPACT RADIO COMMON CARRIER OPERATIONS**

Comments Due May 28, 1993<sup>1</sup>  
Reply Comments Due July 14, 1993

The Federal Communications Commission proposes to institute sweeping changes to its rules governing Private Land Mobile Radio Services (PLMRS) by replacing Part 90 of the Commission's rules with a new Part 88. Several aspects of the proposed reformulation may be of direct interest to Radio Common Carriers (RCC). Many RCCs also provide private carrier paging (PCP) and specialized mobile radio (SMR) services, which will be directly affected. Additionally, since RCC and PLMRS operations often compete with each other, the reformulation of Part 90 may have a long-term impact on RCC service. The proposed transition of private radio to narrowband channels, and significant new limits on power and antenna height discussed below, may make RCC service more attractive to current PLMRS users. Conversely, the proposal to license exclusive use of PLMRS channels, also discussed below, may create new opportunities for RCCs, but may also attract new competition. Finally, the FCC proposes to create the opportunity to apply for a wide area "innovative use" allocation, which may present a significant business opportunity. However, the FCC's proposed restrictions on eligibility to apply for these new licenses may prevent many RCCs from applying.

The proposed new Part 88 would make five major changes: (1) institute new technical and operating standards, permitting centralized trunking, but severely reducing transmitter power limits, and permissible antenna heights above average terrain;

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<sup>1</sup> The original February 26, 1993 deadline has been extended to May 28, 1993 by the FCC.

(2) split each channel into four narrowband channels, leaving licensees with only a fraction of their current bandwidth and putting the new channels into a general pool; (3) allow exclusive use (subject to mobile loading standards) of many PLMRS bands now allocated only for shared use; (4) consolidate or eliminate reserved frequency allocations for most radio services, in favor of "general" frequency pools; and (5) institute new frequency coordination rules requiring that users be stacked on each shared channel before a clean channel is coordinated. A more detailed discussion of each proposed change follows:

#### **I. FCC WILL FORCE MANY LICENSEES TO REDUCE THEIR POWER**

New technical standards are proposed, three of which would substantially change PLMRS operations on certain frequencies. First, transmission power levels would be reduced to an effective radiated power (ERP) of 300 watts in the 150-174 and 450-470 MHz bands, with lower ERP limits for systems with an antenna height above average terrain above 60 meters (197 feet). According to the Commission, "systems requiring greater geographic coverage could build additional sites." Closely related is a reduction in geographic co-channel separation to 50 miles.

The Commission proposes to create an "exception" for the two currently allocated high-power, Private Carrier Paging (PCP) channels, namely, 152.48 and 157.74 MHz. However, the exception is vague, as written, and still would limit ERP of all other PCP frequencies. Under the proposed rules, use of the frequencies 152.48 and 157.74 MHz would be limited to 300 watts output power. This would appear to allow operation at substantially higher ERP by use of high gain antenna, and can further expand coverage with a significant antenna height above average terrain (HAAT). However, even this "exception" reduces the maximum output to 300 watts from the current ceiling of 350 watts output power. Additionally, the "exception" is vaguely worded, and does not make it clear that no ERP limit applies to 152.48 and 157.74 MHz. Also there are other high power paging frequencies not listed in the exception (e.g., 152.0075 and 163.25 MHz). Apparently, the "exception" would not apply to these channels. As a result of the proposed changes, the two most commonly used PCP channels may be required to reduce output power by 50 watts, thereby reducing coverage.

SMR operations in the 800-900 MHz bands will not be immediately affected by the new ERP limits. However, SMR-type operations in bands below 800 MHz (including those which will be licensed on channels created by frequency splitting) will be under the new restriction. Centralized trunking would be permitted where the licensee has Commission-recognized exclusive use of the channels involved (as discussed below), or the concurrence of co-channel users within 50 miles.